

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

<b>DAVID KEITH and KING COULTER, INC.,</b>	)	
	)	
<b>Plaintiffs/Counter-defendants,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:08-cv-458</b>
	)	<b>(Phillips)</b>
<b>DAVIS LEE and ALATRADE FOODS, LLC,</b>	)	
	)	
<b>Defendants/Counter-plaintiffs.</b>	)	

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<b>DAVIS LEE and ALATRADE FOODS, LLC,</b>	)	
	)	
<b>Third-party plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>BLUEBIRD PRODUCTIONS, LLC,</b>	)	
	)	
<b>Third-party defendant.</b>	)	

**ORDER**

On December 10, 2008, defendants Davis Lee and Alatrade Foods, LLC each entered a Motion to Dismiss for Lack of Jurisdiction [Docs. 2, 4], arguing that the complaint, on its face, failed to allege sufficient facts demonstrating this court's jurisdiction under 28 U.S.C. § 1332. Plaintiffs then filed an amended complaint [Doc. 7], to which defendants answered, conceding this court's jurisdiction [Doc. 7 at ¶ 6 (admitting the allegations contained in paragraph six of plaintiff's amended complaint, alleging jurisdiction under 28 U.S.C. § 1332)]. Plaintiffs now respond to defendants' motions to dismiss, arguing that as the defendants have conceded jurisdiction, the court should deny the motions as moot. [Doc. 12].

For good cause shown, the court finds that defendants have conceded this court's original jurisdiction over this case. Accordingly, defendants' motions to dismiss for lack of jurisdiction [Docs. 2, 4] are **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge